

REMARKS

In the Claims:

Claims 9-12 and 21-24 remain in this application. Claims 3-6 and 25, 26 and 28 have been canceled. Claims 9 and 21 have been amended to include the limitations of canceled claim 26. As such no new matter has been added.

Rejections:

Claims 9-12 and 21-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over *McCorkle*, U.S. Patent No. 7,177,341 (*McCorkle*) in view of U.S. Patent No. 5,822,362 (*Friedmann*), U.S. Patent No. 7,280,580 (*Haartsen*), and U.S. Patent No. 6,704,346 (*Mansfield*). In response, Applicant respectfully traverses the rejection.

Claim 9, as amended, includes:

a hopping code engine to select a frequency hopping code (FHC) from a set of predetermined FHC's for communicating with other devices in a multi-band ultra-wideband (MB-UWB) network, wherein the FHC is selected based on being able to decode a beacon signal, wherein the FHC defines a sequence of two or more pulses over two or more frequencies and wherein the FHC's include a time slot that contains no transmission.

Applicant respectfully believes that *McCorkle*, *Friedmann*, *Haartsen* and *Mansfield* do not teach or suggest wherein the FHC is selected based on being able to decode a beacon signal. Applicant notes that this element was previously presented in now canceled claim 26 and that the Action rejected claim 26 similarly to claim 12 (see Action page 13), which was rejected based on *McCorkle* figure 5 (see Action page 10). Applicant respectfully submits, however, that this is not correct. In fact, figure 5 of *McCorkle* does not teach or suggest *selecting* a FHC based on being able to decode a

beacon signal, and Applicant is unable to find where this element is alleged taught. Therefore, since the *McCorkle, Friedmann, Haartsen* and *Mansfield* combination of references fails to teach or suggest each element of claim 9, claim 9 is not rendered obvious by the *McCorkle, Friedmann, Haartsen* and *Mansfield* combination.

Accordingly, Applicant respectfully requests the §103 rejection of claim 9 be withdrawn.

Applicant notes that independent claim 21 includes the claim elements of claim 9 and is similarly patentable over the *McCorkle, Friedmann, Haartsen* and *Mansfield* combination of references for reasons presented above in regards to claim 9. Accordingly, Applicant respectfully requests the §103 rejections of claim 21 be withdrawn.

Applicant notes claims 10-12 and 22-24 depend from patentable independent claims 9 or 21, and are similarly not rendered obvious by the *McCorkle, Friedmann, Haartsen* and *Mansfield* combination, based at least upon their dependency. Accordingly, Applicant respectfully requests that the §103 rejection of claims 10-12 and 22-24 be withdrawn.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that claims 9-12 and 21-24 are in condition for allowance and such action is earnestly solicited. The Examiner is invited to call Dave Guglielmi at (503) 712-1610 if there remains any issue with allowance of this case.

Respectfully submitted,

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Date: April 3, 2009

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